INITIAL STUDY

PROJECT FILE NO.: PDC10-002

PROJECT DESCRIPTION: This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from the subject project located on a 2.8 gross acre site, which proposes prezoning to the A(PD) Planned Development Zoning District to allow for the development of up to seven (7) single-family detached residential units.

In addition to the proposed Planned Development Prezoning, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows: Annexation of APN 659-25-002 into the City of San Jose; Planned Development Permit, Tentative Map, Final Map, Grading Plan, and Building Permits.

PROJECT LOCATION AND ASSESSOR'S PARCEL NUMBER(s): South side of Quimby Road, approximately 400 feet easterly of Murillo Avenue (3770 Quimby Road) (APN 659-25-001; -002)

SAN JOSE 2020 GENERAL PLAN DESIGNATION: Low Density Residential (5 DU/AC) and Non-Urban Hillside.

ENVISION SAN JOSE 2040 GENERAL PLAN DESIGNATION: Lower Hillside and Open Hillside.

EXISTING ZONING: Unincorporated

EXISTING LAND USE: The existing, gently sloping parcel is open grassland with 10 existing trees and a single-family residence (built in 1966) and accessory structures. The site is currently used for grazing and appears to have been graded in some areas. (Also see the General Plan map, Zoning map, aerial, and site photos).

SURROUNDING LAND USES / GENERAL PLAN / ZONING:
North: Vacant Hillside/NUH/Unincorporated South: Vacant Hillside/Hillside Lots (Evergreen) /A(PD)
East: Vacant Hillside/NUH/Unincorporated West: Single-family detached/LDR (5 DU/AC)/R-1-5

PROJECT APPLICANT'S NAME AND ADDRESS: Euson Huang, 1862 Hunt Drive, Burlingame, CA 94010

LEAD AGENCY CONTACT INFORMATION: City of San Jose (Lesley Xavier), 200 E. Santa Clara Street, 3rd Floor Tower, San Jose, CA 95113

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED: NA

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

DETERMINATION:
On the basis of this initial study:

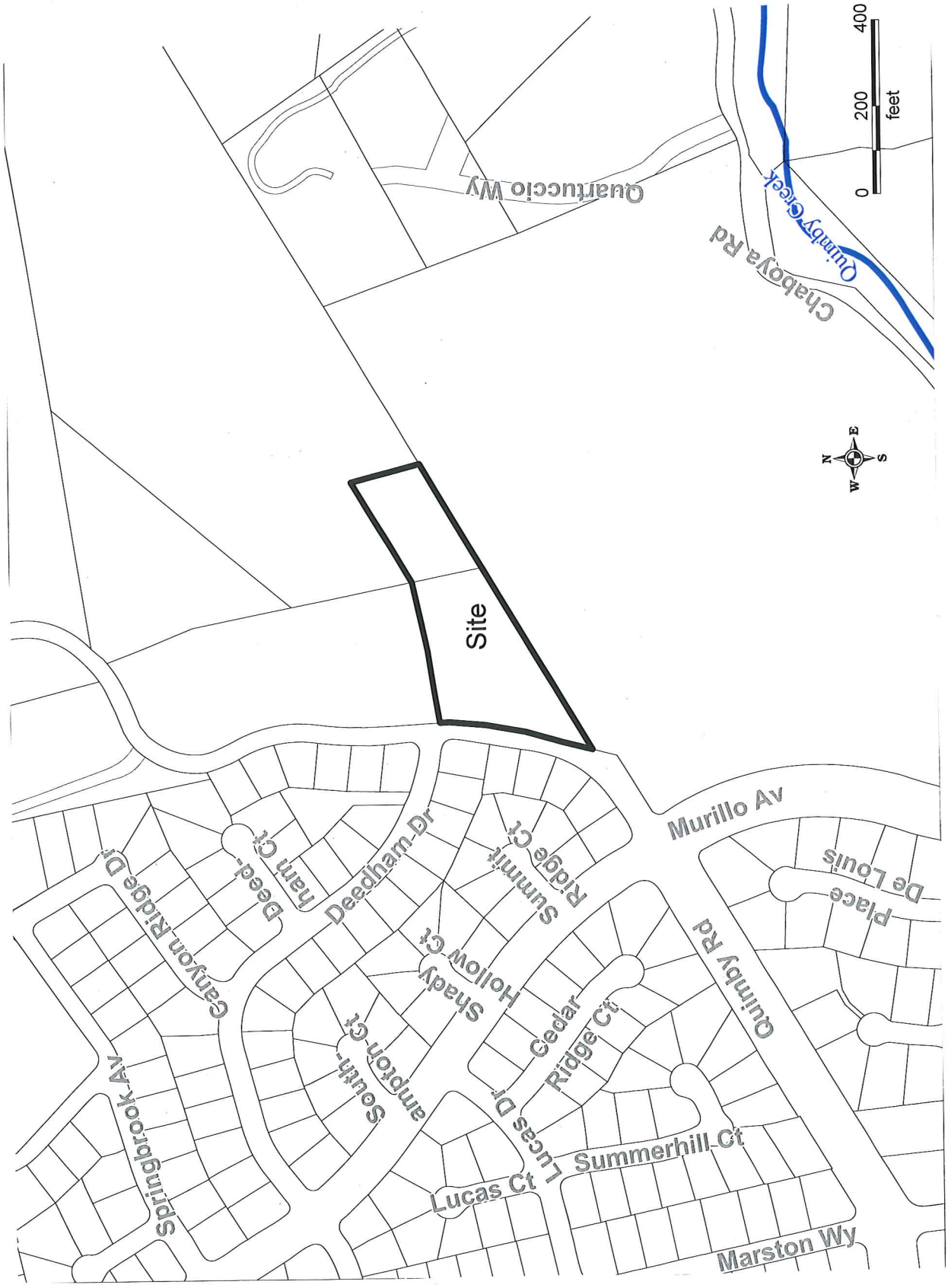
☐	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
☐	I find the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached sheets/initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
☐	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

Nov. 17, 2011
Date

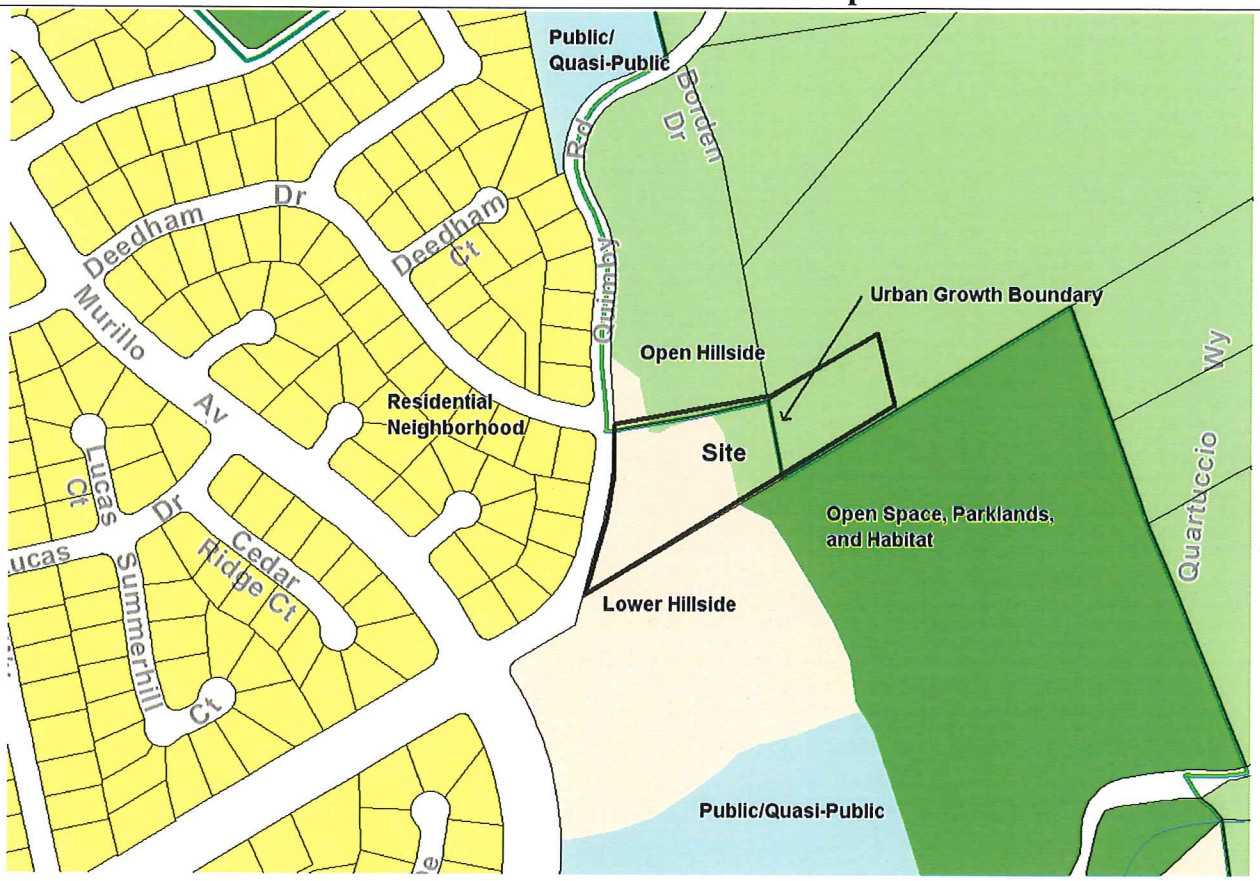
Lesley Xavier
Signature

Name of Preparer: Lesley Xavier

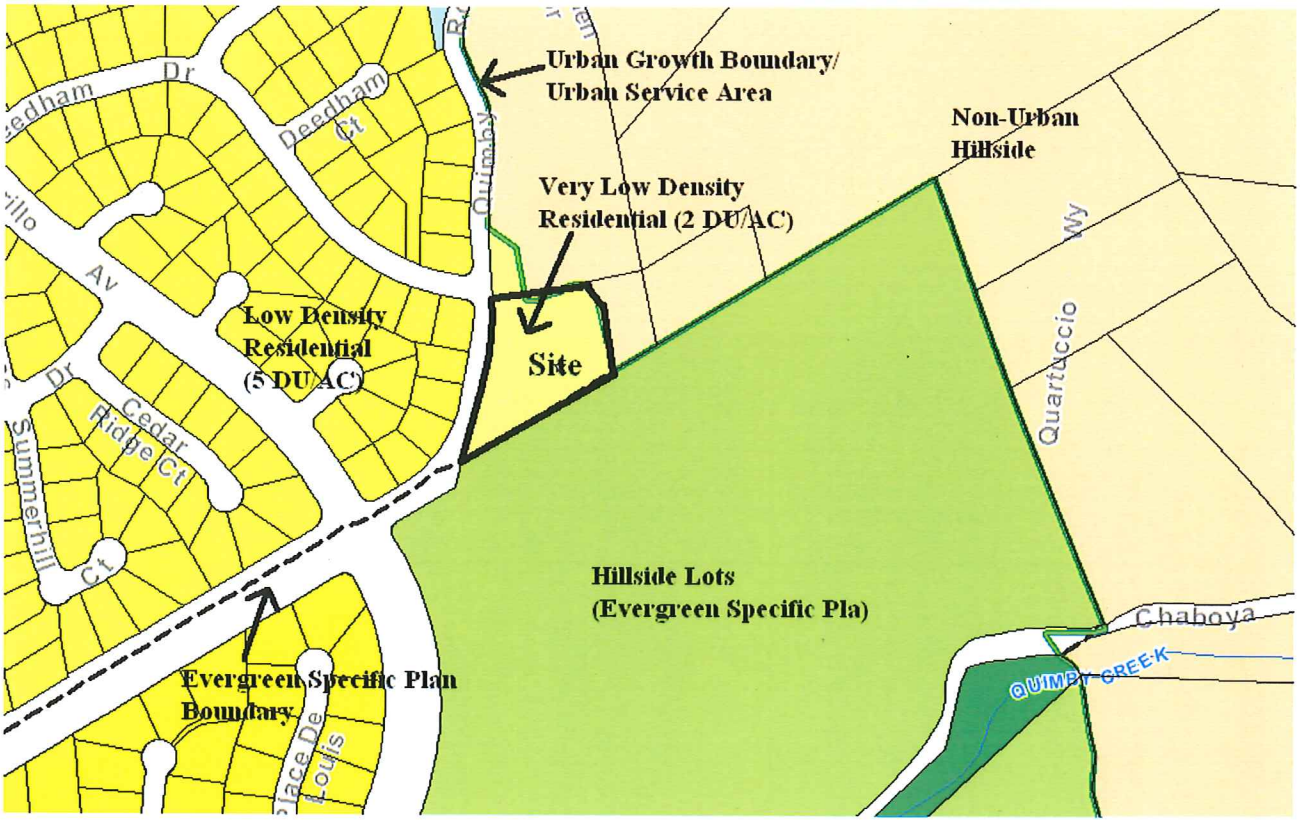
Location Map



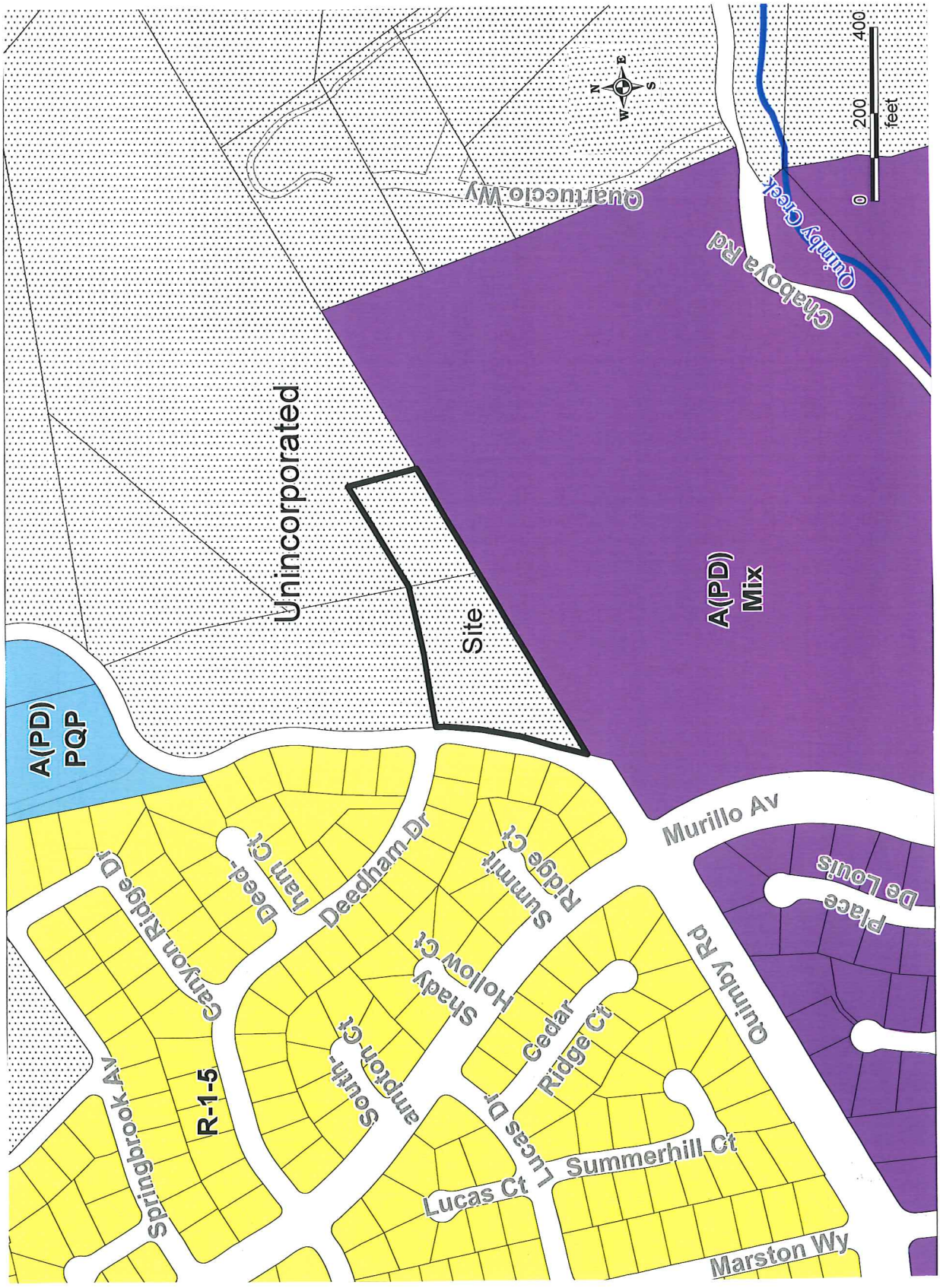
San Jose 2020 General Plan Map



Envision San Jose 2040 General Plan Map



Zoning Map


Unincorporated
Site
A(PD)
Mix
A(PD)
PQP
R-1-5
Quartuccio Wy
Chaboya Rd
Quimby Creek
Murillo Av
Place
De Louis
Quimby Rd
Deedham Dr
Deed-
ham Ct
Canyon Ridge Dr
Springbrook Av
Summit
Ridge Ct
Shady
Hollow Ct
South-
ampton Ct
Cedar
Ridge Ct
Lucas Dr
Lucas Ct
Summerhill Ct
Marston Wy
0
200
400
feet
N
E
S
W

Aerial Map


N
E
S
W
200
100
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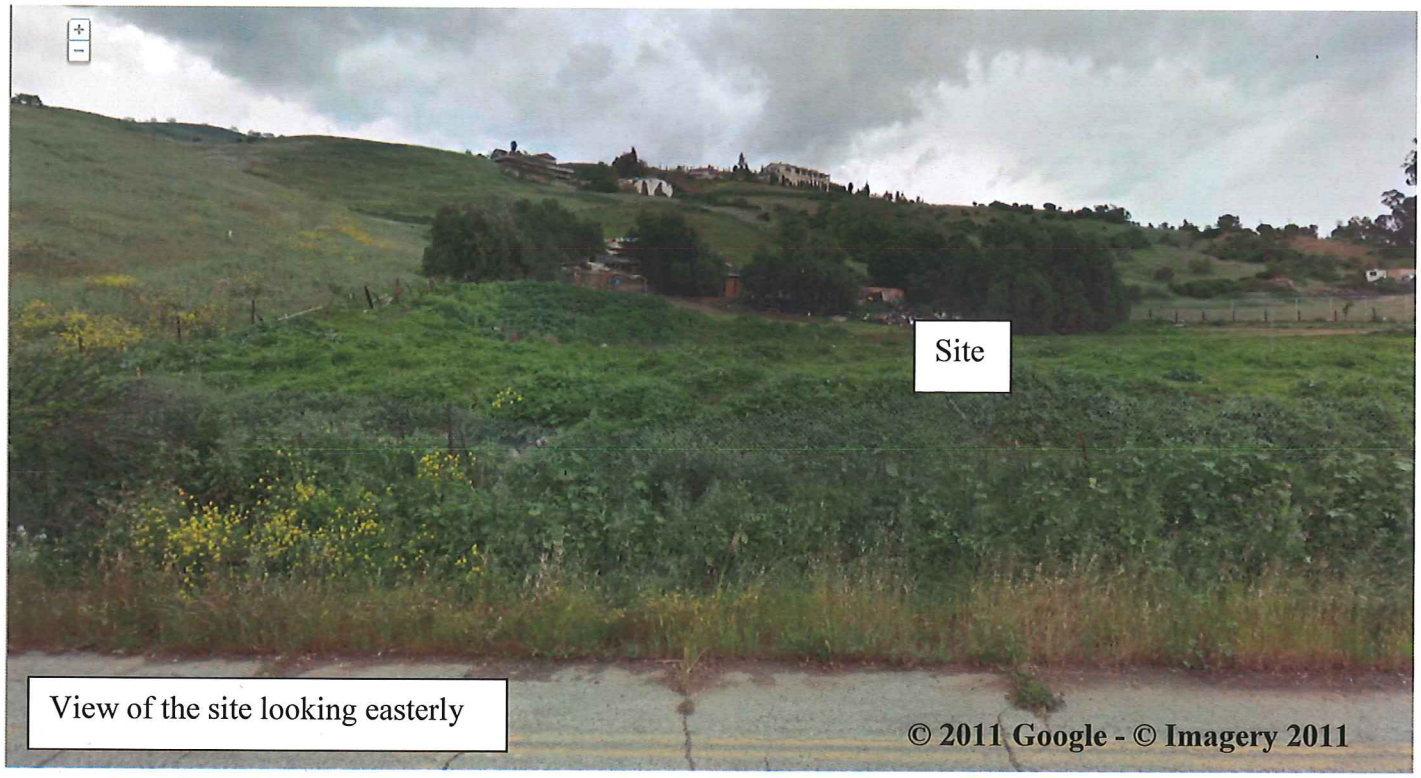
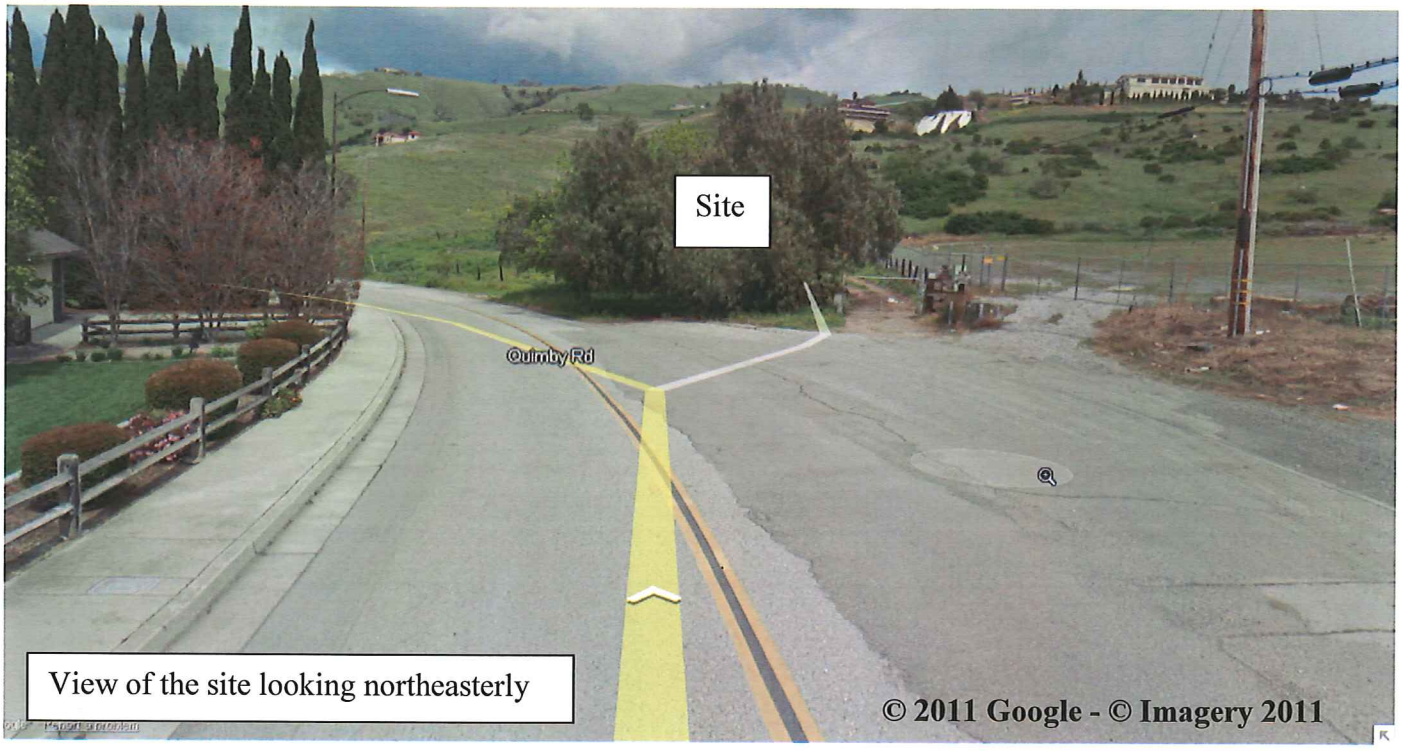
feet
Site
Quimby Rd
Deedham Dr
Summit Ridge Ct
Murillo Av
Shady Hollow Ct

Site Pictures

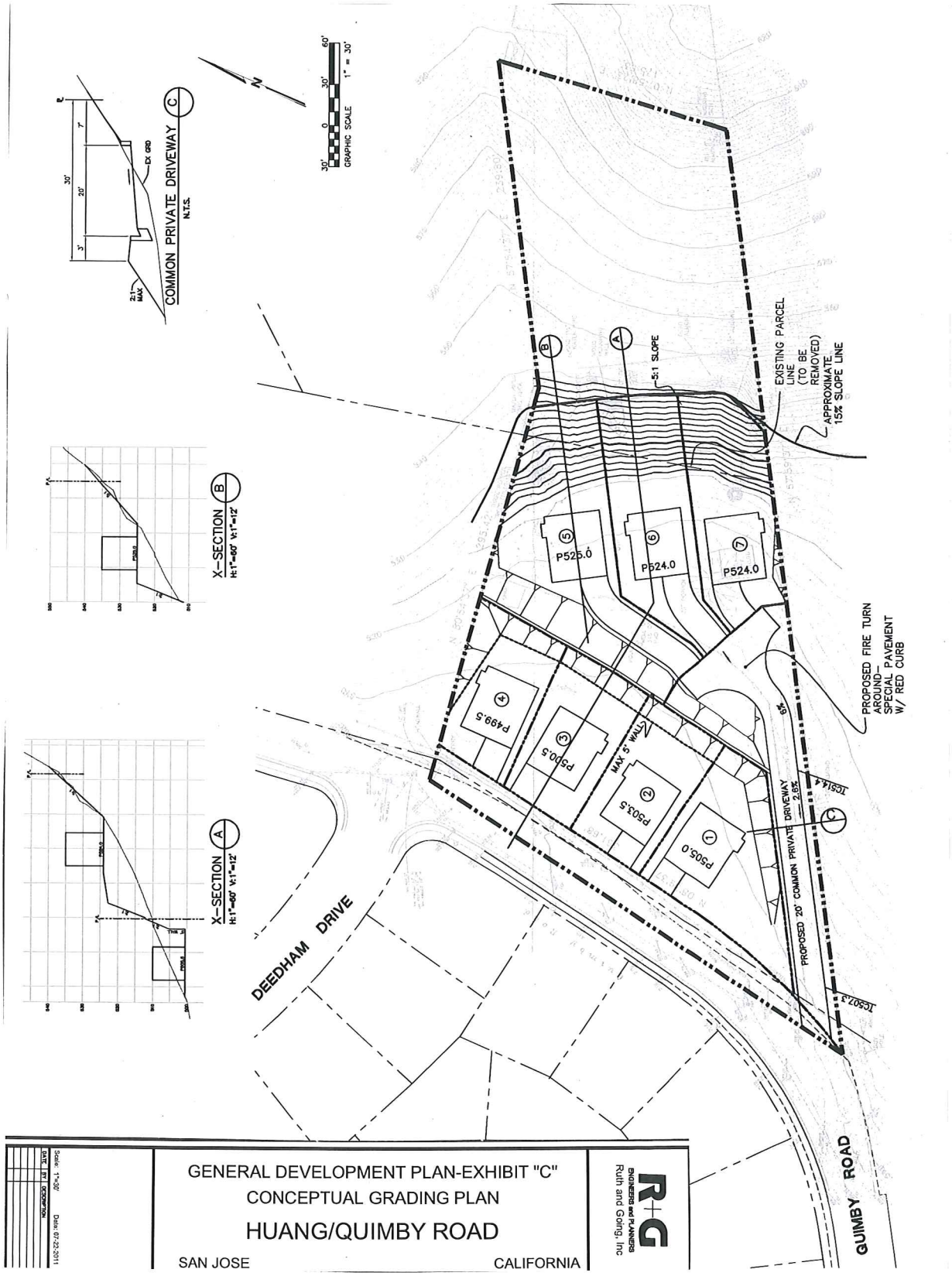


View of the site looking easterly



View of the site looking northeasterly

Conceptual Site Plan



Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
I. AESTHETICS - Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2
e) Increase the amount of shading on public open space (e.g. parks, plazas, and/or school yards) ?	☐	☐	☐	☒	1,2

FINDINGS: The proposed project would alter the existing visual character of the site and its surroundings through various means including the demolition of the existing residence and accessory structures, and tree removals, and the construction of seven single-family detached residences. However, the proposed project would not significantly degrade the existing visual character of the site in that the project would be required to undergo architectural and site design review by Planning Staff to ensure compatibility with the surrounding neighborhood.

Various policies in the City's Envision San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating visual and aesthetic impacts resulting from planned development within the City. Development of the site would be subject to the policies in the General Plan, including the following:

- **CD-1.1** Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
- **CD-1.12** Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
- **CD-4.4** In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.
- **CD-9.1** Ensure that development within the designated Rural Scenic Corridors is designed to preserve and enhance attractive natural and man-made vistas.

Lighting

Exterior building and parking lot lighting associated with the new development would likely create a minor increase in the amount of nighttime lighting than the existing land use on the site, however it would not adversely affect views in the area. The project would be required to be consistent with the City's *Residential Design Guidelines* (or other Design Guidelines; please specify) and to the standards of the City's Outdoor Lighting Policy. Therefore, less than significant impacts would occur as a result of the project.

In addition to the policies of the San José 2020 General Plan, the project shall implement the following City Policies:

- Design of the project shall be consistent with the City's *Residential Design Guidelines.*
- Lighting on the site shall conform to the City's Outdoor Lighting Policy (4-3).

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

MITIGATION MEASURES: None required.

II. AGRICULTURE AND FOREST RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,3,4
c) Conflict with existing zoning for, or cause rezoning of, forest land [as defined in PRC Section 12220(g)], timberland, (as defined by PRC Section 4526), or timberland zoned Timberland Production [as defined by GC Section 51104(g)]?	☐	☐	☐	☒	1,3,4
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,3,4
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,3,4

FINDINGS: The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

The City of San Jose does not contain any forest lands or timberlands suitable for timber production nor are there any areas of the zoned Timberland Production. The project site is outside of any timberland areas, and will therefore not result in a significant impact from the loss forest lands or timberlands.

MITIGATION MEASURES: None Required.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1,14
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	1,14

FINDINGS: The City of San José is within the San Francisco Bay Area Air Quality Management District (BAAQMD). The District is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

amendments). Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how state standards would be met. The BAAQMD's most recently adopted CEQA Guidelines were adopted in 1999. The most recently adopted Clean Air Plan (CAP) is the 2005 Bay Area Ozone Strategy.

The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that – use screening tables and new threshold listed in BAAQMD CEQA GUIDELINES updated June 2010, any number less than 56 single-family dwelling units are not considered major air pollutant contributors and do not require a technical air quality study. This project will allow for the development of up to seven (7) single-family detached residential units, therefore no air quality report was prepared for this project.

Temporary Air Quality Impacts

Temporary Air Quality impacts may result from demolition of the existing structure(s), excavation of soil, and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES: The following construction practices shall be implemented during all phases of construction for the proposed project to prevent visible dust emissions from leaving the site.

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; and
- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1,10,27
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	1,6,10,27
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,6,27
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	1,10,27

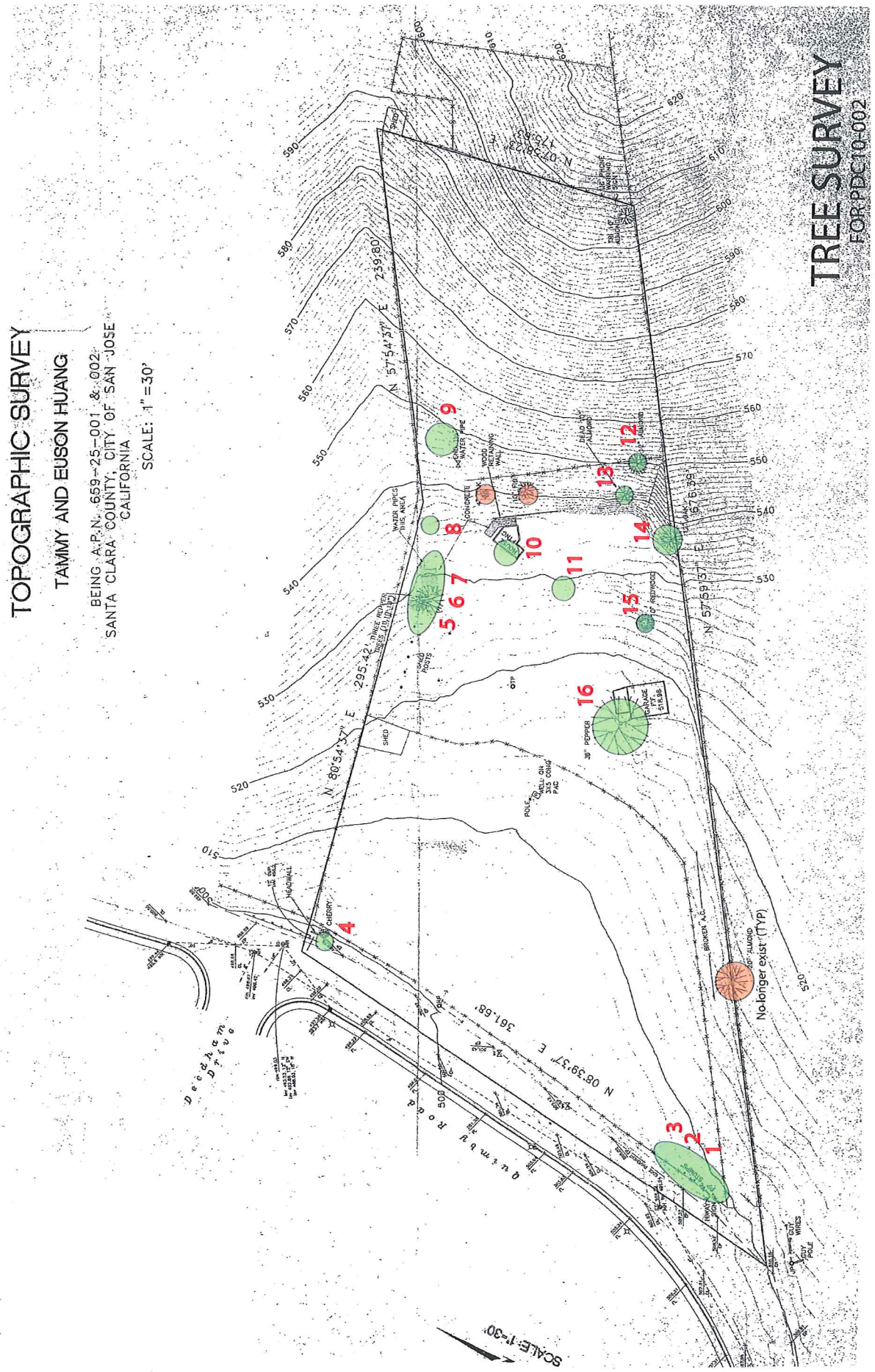
Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,11,27
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1,2,27

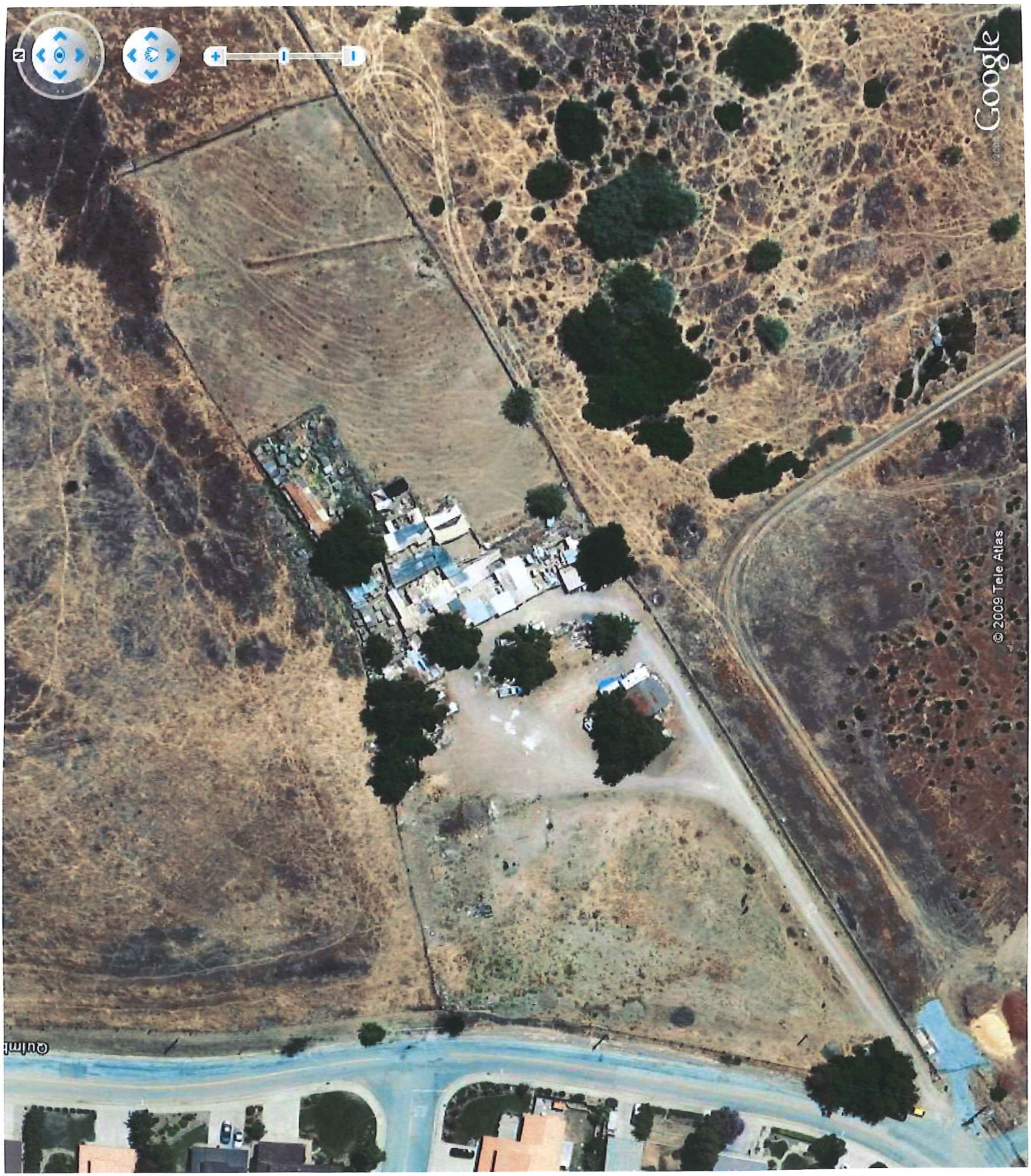
FINDINGS: The existing site is open grassland with 16 existing trees (see Tree Survey and Aerial Photo on the next page) and no signs of breeding habitat, nesting, feeding areas, or rock outcroppings; the site is not located within 300 feet of a riparian area. The site has been previously graded and is currently used for horse grazing. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site.

The City of San José has established regulations for removal of landscape trees at least 56 inches in circumference measured two feet above grade. The proposed project will obtain a permit for the removal of the three ordinance-sized trees on the subject site and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance. There are currently 16 trees on the site, ranging from 25 inches to 113 inches in circumference (see table below).

Number	Tree Species	Size (circumference)	Ordinance-Size Trees	Condition of Tree	Tree to be Removed	Tree to be Retained
1.	Pepper	38		Good	No	
2.	Pepper	25		Good	No	
3.	Pepper	32		Good	No	
4.	Cherry	25		Dying	By Mother	Nature
5.	Pepper	32		Good	No	
6.	Pepper	32		Good	No	
7.	Pepper	56	Yes	Good	No	
8.	Pepper	25		Good	No	
9.	Pepper	44		Good	No	
10.	Walnut	38		Good	Potentially	
11.	Pepper	38		Good	Potentially	
12.	Almond	32		Dying	By Mother	Nature
13.	Almond	44		Good	No	
14.	Oak	56	Yes	Good	No	
15.	Redwood	75	Yes	Good	No	
16.	Pepper	113	Yes	Good	Potentially	

Construction of the proposed project would likely result in the removal of five (5) trees from the site, which would include one (1) ordinance sized tree. The exact number of trees to be removed will be determined at the development permit stage. Removal of these trees would not be considered a significant impact. However, the project will be required to conform to the City's tree preservation ordinance, and will provide replacement trees in conformance with City Policy. Replacement trees will be over and above the regular landscaping to be provided on the site.


TOPOGRAPHIC SURVEY
TAMMY AND EUSON HUANG
BEING A.P.N. 659-25-001 & 002
SANTA CLARA COUNTY, CITY OF SAN JOSE
CALIFORNIA
SCALE: 1" = 30'
TREE SURVEY
FOR PDC10-002
SCALE: 1"=30'
No longer exist (TYP)
N 57°54'37" E 239.80'
N 57°59'37" E 167.39'
N 80°54'37" E 295.42'
N 08°39'37" E 361.68'
Quimby Road
Deadman Drive


Google
© 2009 Tele Atlas

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources

Burrowing Owls

The burrowing owl is a small, terrestrial owl that occurs in annual and perennial grasslands, deserts and scrublands with low growing vegetation. Suitable owl habitat may also include trees and shrubs if the canopy does not cover more than 30 percent of the ground surface. Burrows, which provide protection, shelter and nests for burrowing owls, represent an essential component of this species' habitat. Burrowing owls typically use burrows made by fossorial (burrowing) animals, such as ground squirrels or badgers, but they will also use man made structures such as culverts, or openings beneath cement, asphalt paving or debris piles. Burrowing owls use such sites for breeding, wintering, foraging and migration stopovers. Occupancy of suitable habitat may be verified by observations of one or more burrowing owls on the site or by the presence of owl feathers, cast pellets (or prey remains), eggshell fragments or excrement in or near a burrow entrance. Burrowing owls are protected under a variety of state and federal laws including the Migratory Bird Treaty Act and the State Fish and Game Code as a "Species of Special Concern".

The project site provides both potential foraging and breeding habitat (ground squirrel burrows) for burrowing owls. While burrowing owls were not observed on the site during the May 2010 site survey, they could utilize the site at some future date. Therefore, pre-construction surveys for burrowing owls should be conducted.

Bats

The structures and mature trees on the site provide potentially suitable habitat for bats. The site does not currently contain any known roosting bats; however, pre-construction bat surveys should be conducted prior to any demolition.

Raptors

The project site may provide habitat for wildlife species associated with urban areas. Trees in urban areas provide food and cover for wildlife adapted to this environment, including birds such as house finch, mourning dove, house sparrow, and Brewer's blackbird. In addition, mature trees on the project site may provide nesting habitat for raptors (birds of prey). Raptors and their nests are protected under the Migratory Bird Treaty Act of 1918 and California Department of Fish and Game (CDFG) Code Sections 3503 and 3503.5. Although no raptors or nests were observed on the site, mature trees suitable for raptor nesting occur on the site. Despite the disturbed nature of the site, there remains the potential for raptors to nest in these trees. No other rare, threatened, or endangered animal species were observed on the project site, nor are any expected to occur since the area is generally developed.

Habitat Conservation Plan (HCP)

To promote the recovery of endangered species while accommodating planned development, infrastructure and maintenance activities, the Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan). The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Game (CDFG), and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (DFG and USFWS) of projects that have the potential to adversely impact Covered Species, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The Wildlife Agencies comments on Interim Projects should recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives of the Habitat Plan.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

The subject site does not meet the threshold that requires an interim HCP project referral it will not have a potentially adverse impact on natural communities.

Additionally, the project shall implement the following standard City conditions:

- All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12 - 18 inches	3:1	2:1	none	24-inch box
less than 12 inches	1:1	1:1	none	15-gallon container
x:x = tree replacement to tree loss ratio **Note:** Trees greater that 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.				

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement. Contact Jaime Ruiz, PRNS Landscape Maintenance Manager, at 975-7214 or Jaime.Ruiz@sanjoseca.gov for specific park locations in need of trees.
  - A donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. Contact Rhonda Berry, Our City Forest, at (408) 998-7337 x106 to make a donation. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Tree Protection (if trees are to remain)

- The following tree protection measures will also be included in the project in order to protect trees to be retained during construction:

  - Pre-construction treatments:
    - The applicant shall retain a consulting arborist. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

- Fence all trees to be retained to completely enclose the TREE PROTECTION ZONE prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
- Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

o During construction:
- No grading, construction, demolition or other work shall occur within the TREE PROTECTION ZONE. Any modifications must be approved and monitored by the consulting arborist.
- Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
- Supplemental irrigation shall be applied as determined by the consulting arborist.
- If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TREE PROTECTION ZONE.
- Any additional tree pruning needed for clearance during construction must be performed or supervised by an Arborist and not by construction personnel.
- As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

MITIGATION MEASURES:

- **Raptors.** If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest. The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning prior to the issuance of any grading or building permit.

- **Burrowing Owls.** The developer shall have a qualified biologist conduct a survey and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site. If owls are present on the site, a mitigation program shall be developed in conformance with the requirements of the California Department of Fish and Game and the U.S. Wildlife Service. If mitigation includes relocation, owls shall not be relocated during the nesting season (February 1 though August 31). Prior to the issuance of any grading or building permits, the developer shall submit a biologist's report to the City's Environmental Principal Planner to the satisfaction of the Director of Planning indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

- **Bats**. Surveys for roosting bats shall be conducted by a qualified biologist no more than thirty (30) days prior to any building demolition or removal, construction activities or Oak tree relocation and/or removal. If a female or maternity colony of bats is found on the project site, and the project can be constructed without disturbance to the roosting colony, a bat biologist shall designate buffer zones (both physical and temporal) as necessary to ensure the continued success of the colony. Buffer zones may include a 200-foot buffer zone from the roost and/or timing of the construction activities outside the maternity roosting season (after July 31 and before March 1). If an active nursery roost is known to occur on the site and the project cannot be conducted outside of the maternity roosting season, bats may be excluded after July 31 and before March 1 to prevent the formation of maternity colonies. Such exclusion shall occur under the direction of a bat biologist, by sealing openings and providing bats with one-way exclusion doors. In order to avoid excluding all potential maternity roosting habitat simultaneously, alternative roosting habitat, as determined by the bat biologist, should be in place at least one summer season prior to the exclusion. Adjacent Oaks and Oak Woodland areas should be preserved to the maximum extent feasible as potential bat roosting habitat. Bat roosts should be monitored as determined necessary by a qualified bat biologist, and the removal or displacement of bats shall be performed in conformance with the requirements of the CDFG. A biologist report outlining the results of pre-construction surveys and any recommended buffer zones or other mitigation shall be submitted to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading, building, or tree removal permit.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☐	☒	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,8

FINDINGS: The subject site contains one ranch style single-family detached residence built circa 1946. This structure is not listed on the City of San Jose's Historic Resources Inventory nor is it listed on the National or California Register of Historic Places.

According to the City's Archaeological Sensitivity Map, the project site has a low potential for the discovery of archaeological resources and is not considered archaeologically sensitive. The project is not anticipated to impact archaeological resources. However, in the event any resources are found during grading, their disturbance would be a significant impact.

Should evidence of prehistoric cultural resources be discovered during construction, work within 50 feet of the find shall be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material shall be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility shall be developed and implemented under the direction of the City's Environmental Principal Planner.

As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources

attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1,5,24, 25, 26
2) Strong seismic ground shaking?	☐	☐	☒	☐	1,5,24, 25,26
3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,5,24, 25,26
4) Landslides?	☐	☒	☐	☐	1,5,24, 25,26
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,5,24, 25,26
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1,5,24, 25,26
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	1,5,24,25 26
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,5,24

FINDINGS: Due to its location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant.

The soils on the site are clay stone and fine sandstone and the site is gently sloping with flat graded areas. There is no evidence of seeps or springs and no evidence of active landslide. The potential for geologic and soils impacts resulting from conditions on the site can be mitigated by utilizing standard engineering and construction techniques. Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Additionally, the project shall implement the following standard City permit conditions:

- The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site.
- A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report).

On September 15, 2011, the City of San Jose's Geologist, issued a Certificate of Geologic Hazard Clearance for the subject development, which was based on the November 2008 Geologic Hazards Evaluation Update and Fault Investigation Study and the subsequent August 2011 Quantitative Slope Stability Analysis for the subject site.

The reports concluded that the slopes at and near the site are considered to be stable under static conditions, but that some land sliding could occur during wet conditions and/or during an earthquake. The main foreseeable geologic hazard at the site is moderate to strong ground shaking due to an earthquake on one of the known active faults in the Bay Area.

MITIGATION MEASURES:

- Prior to the development of the site, a soil engineering study shall be performed on the parcel to develop recommendations for site grading, foundations, retaining walls, utility trench backfill and site drainage.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,14
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1,14
(Note: Greenhouse gas(es) include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride)					

FINDINGS: Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, much like a greenhouse does. The accumulation of GHGs has been implicated as a driving force for global climate change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the earth's climate caused by natural fluctuations and anthropogenic activities which alter the composition of the global atmosphere. California State law defines greenhouse gases as including, but not limited to: (1) Carbon Dioxide (CO2) Hydrofluorocarbons; (2) Methane (CH4) Perfluorocarbons; and (3) Nitrous Oxide (N2O) Sulfur Hexafluoride.

The overall approach to the GHG discussion is based upon the technical advisory of the Governor's Office of Planning and Research (OPR) embodied in the document *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*. According to the Governor's OPR, the most common GHG that results from human activity is carbon dioxide, followed by methane and nitrous oxide. For this discussion, only carbon dioxide, methane and nitrous oxide emissions are considered.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

The BAAQMD adopted *CEQA Guidelines* significance thresholds for GHG emissions include quantitative thresholds of significance for GHG emissions. The *Guidelines* provide that a development project, other than a stationary source, would have a significant cumulative impact unless:

- The project can be shown to be in compliance with a qualified Climate Action Plan; or
- Project emissions of CO2 equivalent GHGs (CO2e) are less than 1,100 metric tons per year; or
- Project emissions of CO2 equivalent GHGs are less than 4.6 metric tons per year per service population (residents plus employees)

The project's incremental increases in GHG emissions associated with traffic increases and direct and indirect energy use would contribute to regional and global increases in GHG emissions and associated climate change effects. The City of San Jose does not currently have a qualified Climate Action Plan. According to the BAAQMD's *CEQA Guidelines*, projects below the applicable screening criteria (single-family residential – 56 dwelling units) would not exceed the 1,100 metric tons per year of CO2-eq GHG threshold of significance. Therefore, the proposed seven (7) single-family residential dwelling units would not have a significant impact on GHG emissions.

MITIGATION MEASURES: None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1

FINDINGS: Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because, by definition, exposure to hazardous materials above regulatory thresholds can result in adverse health effects on humans, as well as harm to plant and wildlife ecology.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Due to the fact that these substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. The Regulation of Hazardous Materials Table below summarizes many of these regulations.

Regulation of Hazardous Materials	
Agency	**Responsibilities**
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazmat disposal & cleanup of contamination; implements Clean Air & Clean Water Acts.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Authorized by EPA to implement & enforce various federal hazmat laws & regulations; implements state hazmat regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops protocol regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants & requires public dissemination information regarding the risk of such emissions.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazmat to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees & enforces state/local regulations pertaining to hazardous waste generators and risk management programs, including the California Accidental Release Program.
City of San José Fire Department (SJFD)	Implements City's Toxic Gas and Hazardous Material Storage Ordinances; requires businesses that use or store hazmat to prepare a management plan; regulates installation & removal of above- and below-ground storage tanks; reviews plans for compliance with the Uniform Fire and the Flammable & Combustible Liquids Codes.

The project site does not contain hazardous materials nor is it listed on the State of California toxic sites listing. Development of the proposed project will require the demolition of one single-family residence on the site, which may contain asbestos building materials and/or lead-based paint. In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint. Demolition done in conformance with these Federal, State and Local laws and regulations, will avoid significant exposure of construction workers and/or the public to asbestos and lead-based paint.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Additionally, the project shall implement the following standard City permit conditions:

- In conformance with State and Local laws, a visual inspection/pre-demolition survey, and possible sampling, will be conducted prior to the demolition of the building to determine the presence of asbestos-containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1, including employees training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings will be disposed of at landfills that meet acceptance criteria for the waste being disposed.

MITIGATION MEASURES: None required.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☐	☒	☐	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,17
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	☒	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

FINDINGS:

Flooding/Drainage

Based on the FEMA flood insurance maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami.

Water Quality

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. Under the CWA, the RWQCB has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications. Under Section 401 of the CWA, permits are issued in combination with permits issued by the Army Corps of Engineers (ACOE), under Section 404 of the CWA. When the Water Board issues Section 401 certifications, it simultaneously issues general Water Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the ACOE (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of ACOE jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs) from the Water Board.

New construction in San Jose is subject to the conditions of the City's National Pollutant Discharge Elimination System (NPDES) Permit, which was reissued by the RWQCB in February 2001. Additional water quality control measures were approved in October 2001 (revised in 2005), when the RWQCB adopted an amendment to the NPDES permit for Santa Clara County. This amendment, which is commonly referred to as "C3" requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 sq ft or more to 1) include storm water treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of storm water runoff from the project site; and 3) ensure that storm water treatment measures are properly installed, operated and maintained. On October 14, 2009, the RWQCB adopted the Municipal Regional Stormwater NPDES Permit No.CAS612008 for the San Francisco Bay Region; this Permit replaces current countywide municipal stormwater permits with a Municipal Regional Permit (MRP) for all 76 Bay Area municipalities in an effort to standardize stormwater requirements in the region.

The City has developed a policy that implements Provision C.3 of the NPDES Permit, requiring new development projects to include specific construction and post-construction measures for improving the water quality of urban runoff to the maximum extent feasible. The City's Post-Construction Urban Runoff Management Policy (6-29) established general guidelines and minimum Best Management Practices (BMPs) for specified land uses, and includes the requirement of regular maintenance to ensure their effectiveness. Later, the City adopted the Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

Additionally, in line with the Municipal Regional Stormwater Permit (MRP), San Jose's City Council Policy 6-29 :Post-Construction Urban Runoff Management emphasizes the use of Low Impact Development (LID) measures. LID includes preserving and creating new pervious areas (Site Design), preventing stormwater contact with pollutants (Source Control) and treating runoff with either infiltration, stormwater collection and reuse (Harvesting and Reuse), and/or with landscaped-based treatment measures (Biotreatment). Site design and Source control measures should be used to reduce treatment-requiring runoff as much as possible to limit the need for expensive treatment measures that require space, piping, and long-term maintenance.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

The proposed project is 1.7 acres in size. The site is currently covered with 1,644 sq. ft. of impervious surface. The development of the site with seven (7) single-family detached residences will increase the square footage of impervious surface. Development of the site, shall comply with the City's Post-Construction Urban Runoff Management Policy (6-29) and the City's Post-Construction Hydromodification Management Policy (8-14) to manage development related increases in peak runoff flow, volume and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to local rivers, streams and creeks. Implementation of these Policies will reduce potential water quality impacts to less than significant levels.

In addition, development of the site, shall comply with the City of San Jose's Grading Ordinance, including erosion and dust controls during site preparation, and the City of San Jose's Zoning Ordinance requirement of keeping adjacent streets free of dirt and mud during construction.

PERVIOUS AND IMPERVIOUS SURFACES COMPARISON						
	Existing Condition (sq ft)	**%**	**Proposed Condition (sq ft)**	**%**	**Difference (sq ft)**	**%**
Site (acres): 1.7	**Site (sq ft): 122,000**					
Building Footprint(s)	1,000		18,000		17,000	
Parking	0		18,000		18,000	
Sidewalks, Patios, Paths, etc.	0		0		8,700	
Landscaping	0		na			
Total	**1,000**		**44,700**		**43,700**	
Impervious Surfaces	1,000		44,700		43,700	
Pervious Surfaces	121,000		77,300		43,700	
Total	**122,000**		**122,000**			

Implementation of the following standard permit conditions, consistent with NPDES Permit and City Policy requirements, will reduce potential construction impacts to surface water quality to less than significant levels:

Construction Measures

- Prior to the commencement of any clearing, grading or excavation, the project shall comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the Director of Public Works, as follows:
  - The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities;
  - The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

- The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of stormwater pollutants including sediments associated with construction activities.

- Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, 200 E. Santa Clara Street, San Jose, California 95113. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

- The project applicant shall comply with the City of San Jose Grading Ordinance, including erosion and dust control during site preparation and with the City of San Jose Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

    - Restriction of grading to the dry season (April 15 through October 15) or meet City requirements for grading during the rainy season.
    - Utilize on-site sediment control BMPs to retain sediment on the project site;
    - Utilize stabilized construction entrances and/or wash racks;
    - Implement damp street sweeping;
    - Provide temporary cover of disturbed surfaces to help control erosion during construction;
    - Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.

Post-Construction

Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific Best Management Practices (BMPs), including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled "No Dumping – Flows to Bay" to the satisfaction of the Director of Planning, Building and Code Enforcement.

- The project shall comply with Provision C.3 of NPDES permit Number CAS612008, which provides enhanced performance standards for the management of stormwater of new development.

- The project shall comply with applicable provisions of the following City Policies – 1) Post-Construction Urban Runoff Management Policy (6-29), which establishes guidelines and minimum BMPs for all projects and 2) Post-Construction Hydromodification Management Policy (8-14) which provides for numerically sized (or hydraulically sized) TCMs.

X. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	☐	☐	☐	☒	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	1,2

FINDINGS: The subject site has a San Jose 2020 General Plan Land Use/Transportation Diagram land use designation of Low Density Residential (5 DU/AC) on 1.7 acres and Non-Urban Hillside on 1.1 acres. The new General Plan, Envision San Jose 2040, was adopted by the City Council on November 1, 2011 and will become

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources

effective during the circulation period of this document. The subject site has an Envision San Jose 2040 General Plan Land Use/Transportation Diagram land use designation of Lower Hillside on 1.57 acres and Open Hillside on 1.23 acres. (See General Plan Map on page 4.)

Projects that have the potential to physically divide an established community include new freeways and highways, major arterials streets, and railroad lines. The proposed seven (7) lot single-family detached project would provide infill housing within an existing residential neighborhood, and would therefore not physically divide an established community but rather provide a completion of that community. The proposed project will be subject to architectural and site design review by the City at the Planned Development Permit stage. Such review will include conformance with the City's adopted Residential Design Guidelines. The Guidelines are intended to ensure that new development is compatible with existing neighborhood character and does not adversely impact neighboring residential uses. A less than significant impact would occur as a result of the project.

Habitat Conservation Plan (HCP)

As discussed in the preceding Biological Resources section, Local Partners, consisting of the City of San Jose, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, Santa Clara County and the cities of Gilroy and Morgan Hill, are preparing a joint Habitat Conservation Plan/Natural Community Conservation Plan (Habitat Plan). The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish & Wildlife Service (USFWS), California Department of Fish & Game (CDFG), and the National Marine Fisheries Service (NMFS) and in consultation with stakeholder groups and the general public to protect and enhance ecological diversity and function within more than 500,000 acres of southern Santa Clara County.

The Santa Clara Habitat Plan Planning Agreement outlines the Interim Project Process to ensure coordination of projects approved or initiated in the Planning Area before completion of the Habitat Plan to help achieve the preliminary conservation objectives of the plan, and not preclude important conservation planning options or connectivity between areas of high habitat values. The Interim Project Process requires the local participating agencies to notify the wildlife agencies (DFG and USFWS) of projects that have the potential to adversely impact Covered Species, natural communities, or conflict with the preliminary conservation objectives of the Habitat Plan. The subject site does not meet the threshold that requires an interim HCP project referral it will not have a potentially adverse impact on natural communities.

MITIGATION MEASURES: None Required.

XI. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,23

FINDINGS: Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

The project site is outside of the Communications Hill area, and will therefore not result in a significant impact from the loss of availability of a known mineral resource.

MITIGATION MEASURES: None Required.

XII. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1

FINDINGS: Noise intrusion over the site originates primarily from vehicular traffic sources along Quimby Road. The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 DNL long term, and 60 DNL short term. The acceptable interior noise level is 45 DNL. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport. Quimby Road runs along the western property line and is not designated as a having noise level that exceeds the *City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources*.

The project site is currently developed with one single-family residence and associated accessory buildings. The proposed zoning would allow for the development of six additional single-family residences on the site consistent with the surrounding development. Acoustical studies may be required at the project design-level to determine any project-specific noise impacts resulting from future development.

Short-Term Construction Impacts

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

Additionally, the project shall implement the following standard City permit conditions:

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Locate stationary noise generating equipment as far as possible from sensitive receptors. Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

- The developer will implement a Construction Management Plan approved by the Director of Planning, Building and Code Enforcement to minimize impacts on the surrounding sensitive land uses to the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:

    - Early and frequent notification and communication with the neighborhood of the construction activities.
    - Prohibit unnecessary idling of internal combustion engines.
    - Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

MITIGATION MEASURES: None required.

XIII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

FINDINGS: The proposed project would not induce substantial population growth because it has a net density of 2.94 DU/AC which is consistent with the General Plan Land Use/Transportation Diagram designation of Low Density Residential (5 DU/AC).

MITIGATION MEASURES: None required.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
XIV. PUBLIC SERVICES					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☒	☐	1,2
Police Protection?	☐	☐	☒	☐	1,2
Schools?	☐	☐	☒	☐	1,2
Parks?	☐	☐	☒	☐	1,2
Other Public Facilities?	☐	☐	☒	☐	1,2

FINDINGS: The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by fire station No. 31 which is within 2 miles of the subject site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

As required by California Government Code Section 53080, the project will be required to pay a school impact fee for residential development to offset the increased demands on school facilities caused by the project. Therefore, the project will have a less than significant impact on school facilities.
There is one developed park within walking distance (0.75 miles) of the project site. Groesbeck Hill Park is located approximately 0.8 miles and contains a playground, basketball court, volleyball court, softball field, tennis court and an exercise course. The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project. Fees would be paid to improve park features in the area.

Additionally, the project shall implement the following standard City permit conditions:

- In accordance with California Government Code Section 65996, the developer shall pay a school impact fee, to the School District, to offset the increased demands on school facilities caused by the proposed project.
- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

MITIGATION MEASURES: None required.

XIV. RECREATION					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☒	☐	1,2

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

FINDINGS: There is one developed park within walking distance (0.75 miles) of the project site. Groesbeck Hill Park is located approximately 0.8 miles and contains a playground, basketball court, volleyball court, softball field, tennis court and an exercise course.

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site. The project would add to the residential population using nearby recreational facilities. However, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated.

Additionally, the project shall implement the following standard City permit conditions:

- The project shall conform to the City's *Park Impact Ordinance (PIO)* and *Parkland Dedication Ordinance (PDO)* (Municipal Code Chapter 19.38).

MITIGATION MEASURES: None required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☒	☐	☐	1,2,19
b) Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under to an unacceptable LOS E or F under project conditions; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical demand to capacity ratio (V/C) of 0.010 or more at a City intersection that is projected to operate at LOS E or F under project conditions?	☐	☐	☒	☐	1,2,19
c) Cause an increase of one percent or more of the capacity at a freeway segment that is projected to operate at LOS F under project conditions; or cause a freeway segment to deteriorate from LOS E or better to LOS F?	☐	☐	☒	☐	1,2,19
d) Substantially impede the operation of a transit system as a result of congestion?	☐	☐	☒	☐	1,2,19
e) Create an operational safety hazard?	☐	☐	☐	☒	1,2,19
f) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,19
g) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1,19
h) Result in inadequate emergency access?	☐	☐	☐	☒	1,20

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
i) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☐	1,2,18

FINDINGS: Access to the project site is provided by Quimby Road, which is a 2-lane street that provides access to Capitol Expressway. The City's Department of Public Works has analyzed the proposed project and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact.

Evergreen-East Hills Development Policy

The subject site is also located within the Evergreen-East Hills Development Policy (EEHDP) Area, which encompasses the land bounded by Story Road, U.S. 101, Hellyer Avenue, and the Urban Growth Boundary in the eastern foothills. The EEHDP was adopted in August, 1976 and revised most recently in 2008. The 2008 update to the Policy allowed for an additional development pool of 500 residential units, 500,000 square feet of commercial/retail development, and 75,000 square feet of office development; and authorized a decreased level of service at four major intersections [Capitol Expressway and Nieman Boulevard, San Felipe Road and Yerba Buena Road (North), San Felipe Road and Delta Road, and Evergreen Commons and Tully Road] and establish the Evergreen–East Hills Development Policy Traffic Impact Fee.

The EEHDP provides traffic allocation for a development pool of 500 residential units on various sites throughout the Evergreen-East Hills area. Under the revised 1995 version of the Policy, the project site has one (1) unit of traffic allocation. The project proposes to secure six (6) additional units from the development pool established in the 2008 update of the EEHDP in order to develop seven (7) single-family residences on the site. The project qualifies as a "small residential project" under the Policy. As required for small residential projects drawing from the EEHDP Development Pool, the proposed project does not conflict with the City's ordinances, design guidelines, and the General Plan's Major Strategies, Goals and Policies. The project will be required to pay the Traffic\ Impact Fee that has been created to fund the identified transportation improvements. Therefore, LOS impacts resulting from the project would not require mitigation, and the project would not result in any additional significant traffic impacts.

Parking

The proposed project is providing two (2) garage parking spaces per unit, which is in conformance with City's Residential Design Guidelines of two (2) spaces per unit.

MITIGATION MEASURES:

- The Traffic Impact Fee established by the Evergreen–East Hills Development Policy shall be paid to fund and construct the transportation improvements necessary for the additional development of the Evergreen–East Hills Development Policy Area.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	1,17

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	1,21

FINDINGS: Water service to the project area is provided by San José Municipal Water System. Sanitary sewer and storm drain lines are owned and maintained by the City of San José. Residential solid waste, yard waste, and recycling services are provided to the project area by Green Waste Recovery. The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

MITIGATION MEASURES: None required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☐	☒	☐	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	1

FINDINGS: As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to air quality and biological resources. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level.

ADDITIONAL MITIGATION MEASURES: None required.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC10-002
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Geologic Hazards Evaluation Update and Fault Investigation Study, Parcel Subdivision of 2.84 Acre Site, 3770 Quimby Road, San Jose, California, ES Geotechnologies, November 2008
26. Quantitative Slope Stability Analysis, 3770 Quimby Road, San Jose, California, Earth Systems Pacific, August 2011
27. Huang/Quimby Road Project Site, Biological Constraints Analysis, City of San Jose, California, Monk & Associates, Inc., June 17, 2010